

## **CITY COUNCIL MINUTES**

**May 12, 2020**

**9:00 A.M.**

The City Council of the City of Sweetwater, Texas, will meet in regular session on Tuesday, May 12, 2020, at 9:00 a.m. via GoToMeeting videoconferencing in Sweetwater, TX.

Members on Videoconference:

**JIM MCKENZIE**, Mayor

**JEROD PEEK**, Mayor Pro Tem

**KERRY BAKER**, Councilman

**GRANT CHERRY**, Councilman

Members Present:

**RICKY CASTRO**, Councilman

**PETE SHERIDAN**, City Attorney

**DAVID A. VELA**, City Manager

**PATTY TORRES**, City Secretary

Staff Members present: Public Works Director Russell Jones, Fire Chief Grant Madden, Chief of Police Brian Frieda, Director of Administrative Services Lisa Adames and Director of Planning & Development Services Dana Schoening

1. Mayor McKenzie called the meeting to order.
2. Fire Chief Gran Madden gave the invocation.
3. Councilman Castro led the Pledge of Allegiance to the American and the Texas Flags.
4. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Cherry to approve the minutes for meeting held on April 14, 2020.
5. Public Input:

This meeting was closed to in person attendance by the public. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings was granted by Governor Greg Abbott. These actions were taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

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Director of Planning & Development Services, Dana Schoening read three (3) emails. First email was emailed on April 26, 2020 by Holly Reyna, the second was emailed on April 28, 2020 by LouAnn Cumbie and the third one was emailed by Tifnee L. Reed all emails were about the swimming pool closing for the summer.

The emails will be attached to the Minutes for the record.

6. Mayor Jim McKenzie announced that the Oath of Office was administered by Patty Torres, City Secretary to Mr. Kerry Baker, City Council Member District 2 on May 6, 2020 and to Mr. Jerod Peek, City Council Member District 4 on May 7, 2020.

**COPY OF OATH OF OFFICE AND STATEMENT OF OFFICER IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1819 - 1822.**

7. Regular Agenda Items

- A. Motion was made by Councilman Castro, seconded by Councilman Cherry to approve a Resolution appointing Councilman Peek as Mayor Pro Tem for the City of Sweetwater, and prescribing the term thereof. The motion carried unanimously.

**COPY OF RESOLUTON IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGE 1823.**

**APPOINTING MAYOR PRO-TEM FOR THE CITY OF SWEETWATER AND PRESCRIBING THE TERM THEREOF.**

- B. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Cherry to approve the Mid-Year Agreed Upon Procedures Report for the period ended March 31, 2020 as prepared by Catherine Wilks, Certified Public Accountant, LLC. The motion carried unanimously.

**COPY OF REPORT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1824 - 1826.**

- C. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Cherry to approve a Resolution of the City of Sweetwater, Texas finding that Oncor Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses

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shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel. The motion carried unanimously.

**COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1827 - 1829.**

**A RESOLUTION OF THE CITY OF SWEETWATER, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

- D. Mayor McKenzie asked that both Items 7D and Item 7E be discussed at the same time since both items were regarding the same subject and that a motion be made for each item.

Police Chief Brian Frieda gave presentation regarding both Ordinances.

Motion was made by Councilman Castro, seconded by Councilman Cherry to approve a Game Room License and Business Regulation Ordinance. Mayor Pro Tem Peek asked that the Ordinance be revised in regards to the building requirements. Police Chief Frieda will revise and present modification if necessary, at June Council meeting. The motion carried unanimously.

**COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1830 - 1841.**

**AN ORDINANCE OF THE CITY OF SWEETWATER, TEXAS, AMENDING, CHAPTER 17, LICENSES AND BUSINESS REGULATIONS, OF THE CITY OF SWEETWATER CODE OF ORDINANCES; CREATING ARTICLE VIII, GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; CREATING AN**

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**OCCUPATION TAX; CREATING AN AMUSEMENT REDEMPTION MACHINE TAX; PROVIDING FOR APPLICABLE RULES AND REGULATIONS; PROVIDING FOR REPEALER, CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.**

- E. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve modifying of the Zoning Ordinance, relating to game rooms. The motion carried unanimously.

**COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1842 - 1859.**

**AN ORDINANCE OF THE CITY OF SWEETWATER, TEXAS, AMENDING, CHAPTER 17, LICENSES AND BUSINESS REGULATIONS, OF THE CITY OF SWEETWATER CODE OF ORDINANCES; CREATING ARTICLE VIII, GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; CREATING AN OCCUPATION TAX; CREATING AN AMUSEMENT REDEMPTION MACHINE TAX; PROVIDING FOR APPLICABLE RULES AND REGULATIONS; PROVIDING FOR REPEALER, CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.**

- F. Motion was made by Councilman Castro, seconded by Mayor Pro Tem Peek to approve a Resolution supporting the pending grant funding of one patrol unit in FY2021. The motion carried unanimously.

**COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGE 1860.**

**A RESOLUTION OF THE CITY OF SWEETWATER, TEXAS APPROVING SUBMISSION OF THE GRANT APPLICATION FOR THE PATROL REPLACEMENT PROJECT FOR THE FY2021.**

- G. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve the City Manager to enter into a license and operation agreement for the opening of the Lake Sweetwater Bait Store. The motion carried unanimously.

8. City Manager's Report

- A. Honk Rally for 2020 Graduates
- B. TXDOT Construction updates
- C. COVID – 19 Drive Thru Testing

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9. Motion was made by Councilman Cherry, seconded by Councilman Castro to enter into closed session at 10:00 a.m. in accordance with Section 551.087 of the Texas Government Code, the City Council meet in closed session to discuss and deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to said business prospect; to wit: Project Jupiter. The motion carried unanimously.
10. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to reconvene into regular session at 10:11 a.m. The motion carried unanimously.
11. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve the Project Jupiter Industrial District Contract with the recommended changes to the agreement.
12. Councilman Castro made a motion, seconded by Councilman Cherry to adjourn. There being no further business, the meeting adjourned at 10:12 a.m. The motion carried unanimously.

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Jim McKenzie, Mayor

### **ATTEST:**

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Patty Torres, City Secretary

Persons signing register: Catherine Wilks, Certified Public Accountant, LLC

## Becky Jimenez

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**From:** City of Sweetwater <licensing@coswtr.org>  
**Sent:** Monday, May 11, 2020 9:10 AM  
**To:** Becky Jimenez  
**Subject:** Fwd: Council meeting - April 29

----- Forwarded message -----

**From:** Holly Reyna <hollyreyna0586@gmail.com>  
**Date:** Sun, Apr 26, 2020 at 6:03 PM  
**Subject:** Council meeting - April 29  
**To:** <licensing@coswtr.org>

I have a concern about the the city pool being closed through the Summer. There has been no official announcement about the pool not being open top the public, but I have talk to several people and they had been told no pool for the Summer due to possible shortfall in operating budget caused by the COVID -19 Virus and the Social distancing affecting the Sales Tax revenue.

I can understand the shortage of revenue, What my question is what will the older kids have available to them when restrictions ease and the kids have no where to go. The pool allows kids to burn off energy and have somewhere they can meet their friends. I know that the City spent three-quarters of a million dollars to create the Splash Pad, but it was made for the smaller kids. The bigger kids have no where to go will be at the Splash Pad pushing and shoving the little ones. They could tear up the new equipment which is not made for them to use.

I also talked with the City of Colorado City because they had their pool closed last year. The city secretary told me that they experience a Jump in Juvenile Crime over the Summer last year due to the pool being closed during this Summer, When I mentioned that our Pool would be closed this year, her immediate reaction was "good luck with that" The Kids had too much free unsupervised free time.

Maybe I am uniformed and need more info, but at this time all I see kids with almost 4 months of energy and no safe place to go.

thanks, Holly Reyna

**Becky Jimenez**

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**From:** City of Sweetwater <licensing@coswtr.org>  
**Sent:** Monday, May 11, 2020 9:10 AM  
**To:** Becky Jimenez  
**Subject:** Fwd: city council - city pool closing

----- Forwarded message -----

**From:** **Cumbie, LouAnn Cumbie** <lbcumbie@gmail.com>  
**Date:** Tue, Apr 28, 2020 at 1:06 PM  
**Subject:** city council - city pool closing  
**To:** <licensing@coswtr.org>

There are rumors that the city pool will not open this summer, but I have seen no formal announcement on it. Is this true and if so what is the reasoning? This decision impacts such a large part of our community. Our kids and their families need a place to go this summer if the virus has deminished enough and we our opening back up our city. We don't want these kids roaming our streets with nothing to do. Also, it employees so many of our people in the community. I would hate to see all of these people without jobs. I feel like the community needs to know. Thank you!

Sincerely,  
LouAnn Cumbie

## Becky Jimenez

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**From:** City of Sweetwater <licensing@coswtr.org>  
**Sent:** Monday, May 11, 2020 9:10 AM  
**To:** Becky Jimenez  
**Subject:** Fwd: C/O David Velez

----- Forwarded message -----

**From:** Tifnee Reed <tifnee.reed@sweetwaterisd.net>  
**Date:** Tue, May 5, 2020 at 11:22 AM  
**Subject:** C/O David Velez  
**To:** <licensing@coswtr.org>

My name is Tifnee Reed, I'm a teacher at SHS. I was told the pool in Sweetwater is not opening this year. I feel like this is a huge blow to the kids this year. I understand money might be tight, but I'm sure if you let the community know of the struggles for the pool people will help.

But not having a pool for the kids is so sad. We need this for them, and for them to have a place to go this summer and have something to do. I feel as the the pool keeps a lot of kids out of trouble, and it keeps our high school kids employed which in turn keeps motivated and learn the value if money. Plus, they get their CPR certification. Please help our high school students save to help pay for college.

Please reconsider. Other pools in the area are opening for their kids, Sweetwater needs to do the same for theirs. We are Sweetwater Strong!!!

Thanks

Tifnee L. Reed  
325-829-8868